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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,727	09/17/2003	Juan Antonio Moncada Andres	71601	4363

7590 08/08/2006

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EXAMINER

PENG, KUO LIANG

ART UNIT PAPER NUMBER

1712

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/664,727	Applicant(s) MONCADA ANDRES ET AL	
	Examiner Kuo-Liang Peng	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/22/06 Response.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Applicants' response filed on May 22, 2006 is acknowledged. Claims 1-2, 4-11 and 13-23 are pending.
2. Claim rejection(s) under 35 USC 112 in the previous Office Action (Paper No. 012006) is/are removed.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

Claim Rejections - 35 USC § 103

5. Rejection of Claims 1-2, 6, 10-11, 13, 15 and 19 under 35 USC 103(a) as being unpatentable over Harvey (US 3 700 140) in view of Nichols (US 5 876 644) and rejection of Claims 5 and 14 are under 35 USC 103(a) as being unpatentable over Harvey taken with Nichols as applied to Claims 1 and 10 above, and further in view of Schmidt (US 5 952 066) are maintained because the rejection is adequately set forth in paragraphs 4 and 6 of Paper No. 012006. In addition, Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Harvey in view of

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Nichols. Applicant's arguments have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

For Applicants' argument (page 3, 3rd paragraph, page 5, 3rd and paragraphs), Harvey does teach a system utilizing in a method of feeding particles, in the form of **granules** or **pellets**. (col. 1, lines 39-51) Harvey further teaches "[s]uch a system **could be employed for example** in metering of catalyst and catalyst diluent to a reactor tube to obtain a predetermined catalyst concentration profile". (col. 2, lines 52-68) As such, metering of catalyst and catalyst diluent is merely one of the applications of the system. Certainly, Harvey does not teach away of the applications other than metering of catalyst and catalyst diluent.

For Applicants' argument (page 3, last paragraph to page 4, 2nd paragraph), the instant claims do not exclude additional steps such as solid-state polymerization. While Nichols may refer to each individual PET as a "prepolymer", both the VPET and PCR meet the limitations set forth by Applicant in the claims. Therefore, Applicants' arguments are not persuasive.

It is noted that in paragraph 4 of the previous Office action (Paper No. 012006), Claim 4 should have been rejected because the reason is the same as that for rejecting Claim 13.

6. Rejection of Claims 1-2, 6-11, 13 and 15-20 under 35 USC 103(a) as being unpatentable over Powers (US 6 403 748) in view of Nichols (US 5 876 644) and rejection of Claims 5 and 14 are under 35 USC 103(a) as being unpatentable over Harvey in view of Nichols as applied to Claims 1 and 10 above, and further in view of Schmidt are maintained because the rejection is adequately set forth in paragraphs 5 and 7 of Paper No. 012006. In addition, Claims 4 and 21-23 are rejected under 35 USC 103(a) as being unpatentable over Powers in view of Nichols. Applicant's arguments have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

For Applicants' argument (page 4, last paragraph bridging to page 5, 1st paragraph), Applicants' argument for Nichols has been addressed, supra.

Applicants indicate that Powers is not seen to clearly provide the loading bin of the invention. However, Powers appears to teach a loading bin in col. 3, lines 22 or 35.

It is noted that in paragraph 4 of the previous Office action (Paper No. 012006), Claim 4 should have been rejected because the reason is the same as that for rejecting Claim 13.

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For Claims 21-23, Powers further teaches the use of a rotary feeder for controlling the feed. (col. 6, lines 29-32) Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to utilize the rotary feeder in the aforementioned loading bin to facilitate the feeding process. Furthermore, by using the rotary feeder the blend should be further mixed.

7. Claims 10-11, 13-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weibel (US 5 527 107).

The “system” in the instant claims is not a statutory class. The instant claims are treated as apparatus claims. Therefore, the VPET and PMC recited in the instant claims do not have any weight of patentability. See MPEP 2115.

Weibel discloses a plant for blending solid materials as shown in Fig. 1, where solid ingredients are fed from sources A and B through valves 3 and 3' or 5 and 5' to a pre-mixing space 8 (i.e., a conduit) and directly into a homogenizer 9 (i.e., a loading bin with a mixer). The plant also equipped with a control unit 7. Weibel is silent on a bulk-container. However, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to collect the blend utilizing a bulk-container for storage or shipment to customers.

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8. Claims 1-2, 4, 6-9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weibel in view of Nichols.

Weibel discloses a plant for blending solid materials, *supra*, which is incorporated herein by reference. Weibel is silent on the blending VPET and PMC set forth in the instant claims. However, Nichols teaches the blending of VPET and PMC, *supra*. Nichols and Weibel are analogous art in that they both describe the blending of solid materials. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the process set forth in Weibel for blending the materials set forth in Nichols. The motivation would have been that Nichols sets forth a blending operation but does not set forth how it is to be performed. One of ordinary skill in the art would have turned to Weibel for that information.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weibel in view of Nichols as applied to Claims 1-2, 4, 6-9 and 20 above, and further in view of Schmidt.

Weibel in view of Nichols discloses a method for providing a homogenized blend of VPET and PMC, *supra*, which is incorporated herein by reference.

Schmidt teaches that oxygen-scavenging additives are added to PET materials used

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in food packaging. (col. 1, lines 13-24) The motivation of incorporating Schimdt's oxygen-scavenging additives into Nichols' blend is set forth in the previous Office action (Paper No. 012006)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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klp

August 2, 2006

A handwritten signature in black ink, appearing to read 'Kuo-Liang Peng', written in a cursive style.

Kuo-Liang Peng
Primary Examiner
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